

महाराष्ट्र शासन
सामान्य प्रशासन विभाग,
मंत्रालय विस्तार इमारत,
हुतात्मा राजगुरू चौक, मादाम कामा मार्ग,
मंत्रालय, मुंबई ४००० ३२.

दूरध्वनी क्र -०२२.२२०२५३३३
Email ID **desk16a.gad-mh@gov.in**

क्रमांक : दिव्यांग २०१५/प्र.क्र.१७१/१६-अ   दिनांक : २७ सप्टेंबर, २०२१

प्रति,

सर्व अपर मुख्य सचिव,सचिव/प्रधान सचिव/
मंत्रालयीन प्रशासकीय विभाग,
मंत्रालय.४०००३२ मुंबई ,

विषय : दिव्यांग कर्मचाऱ्यांना गट अ व गट ब मधील पदांवर पदोन्नतीमधील आरक्षणाबाबत

संदर्भ :१.शासन निर्णय समक्रमांक दि०५.०७.२०२१.
२. शासन पत्र समक्रमांक दि.१४.०७.२०२१
३. शासन पत्र समक्रमांक दि.२३.०७.२०२१
४. शासन पत्र समक्रमांक दि.०७.०९.२०२१

दिव्यांग व्यक्ती हक्क अधिनियम २०१६ ,अनुसार दिव्यांग कर्मचाऱ्यांना गट अ व गट ब मधील पदांवर पदोन्नतीमध्ये आरक्षण संदर्भ क्र.१ अन्वये लागू करण्यात आले आहे. उक्त अनुषंगाने मा.उच्च न्यायालय, मुंबई येथे दाखल रिट याचिका स्टँप ६८१९/२०२१ व इतर याचिकांवर मा.उच्च न्यायालयाचे दि.२९.०६.२०२१ व दि.८.०७.२०२१ रोजीचे आदेशास अनुसरुन संदर्भ क्र.२ अन्वये तसेच, मा.न्यायालयाच्या दि.२२.०७.२०२१ च्या आदेशास अनुसरुन संदर्भ क्र.३ अन्वये सर्व प्रशासकीय विभागांना दिव्यांग आरक्षणा नुसार पदोन्नती संदर्भात करावयाच्या कार्यवाहीबाबत सूचना निर्गमित करण्यात आल्या आहेत. संदर्भ क्र.४ अन्वये गट अ व गट ब मधील पदांवर पदोन्नती देण्यात आलेल्या दिव्यांग (PWD) व इतर अधिकाऱ्यांबाबतची (Non-PWD) माहिती सर्व प्रशासकीय विभागांना मागविण्यात आली होती.

प्रस्तुत न्यायालयीन प्रकरणी मा.उच्च न्यायालय, मुंबई दि.१४.०९.२०२१ रोजी झालेल्या सुनावणीमध्ये मा.उच्च न्यायालयाने दिव्यांग (PWD) व इतर (Non-PWD) अधिकाऱ्यांना आदेशाच्या दिनांकापासून ३ आठवड्यामध्ये पदोन्नती देण्याचे निर्देश दिले आहेत.

मा.न्यायालयाचे दि.१४.०९.२०२१ चे आदेश विचारात घेता आता असे नमूद करण्यात येते की, सर्व आस्थापनांनी (विशेषत: सार्वजनिक बांधकाम विभाग, शालेय शिक्षण विभाग, जलसंपदा विभाग आणि पशु संवर्धन विभाग) गट अ व गट ब पदावरील पदोन्नतीबाबत, दिव्यांगांसहीत (PWD) इतर अधिकाऱ्यांची

(Non-PWD) पदोन्नतीबाबत त्वरीत कार्यवाही करण्यात यावी अशी कार्यवाही करताना मा.उच्च न्यायालयाच्या दि.१४.०९.२०२१ रोजीच्या आदेशाचा अवमान होणार नाही याची दक्षता घेण्यात यावी. तसेच, दि.३०.०९.२०२१ पर्यन्त केलेल्या कार्यवाहीचा अहवाल संदर्भ क्र.४ मधील विवरणपत्रात Soft Copy मध्ये दि.०१.१०.२०२१ पर्यन्त या कार्यासनास सादर करावा. सोबत मा.उच्च न्यायालयाच्या दि.१४.०९.२०२१ रोजीच्या आदेशाची प्रत जोडण्यात येत आहे.

सदर पत्र महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध असून त्यांचा संगणक संकेतांक २०२१०९२८११०४०९११०८ असा आहे.

सोबत :- वरीलप्रमाणे.

आपला,

(सुमंत भांगे)
सचिव (साविस), महाराष्ट्र शासन

प्रति,

सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई.
सर्व विभागीय आयुक्त/सर्व जिल्हाधिकारी, महाराष्ट्र राज्य.
प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय, (विधान परिषद/विधानसभा) विधानभवन, मुंबई
सचिव, राज्य निवडणूक आयोग, मुंबई- ४०० ०३२.
सचिव, राज्य माहिती आयोग, मुंबई-४०० ०३२.
मा. प्रबंधक, उच्च न्यायालय, (मूळ शाखा/अपील शाखा), मुंबई, औरंगाबाद, नागपूर.
मा.प्रबंधक, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, औरंगाबाद, नागपूर.
मा. प्रबंधक, लोक आयुक्त व उप लोक आयुक्त, मुंबई.
सरकारी वकील, उच्च न्यायालय (मूळ शाखा/अपील शाखा), मुंबई, औरंगाबाद, नागपूर.
सरकारी वकील, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, औरंगाबाद, नागपूर.
सर्व महानगरपालिकांचे आयुक्त, महाराष्ट्र राज्य.
सर्व मुख्याधिकारी, नगरपरिषदा/नगरपालिका, महाराष्ट्र राज्य.
सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी, महाराष्ट्र राज्य.
महासंचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई
सर्व महामंडळे, मंडळे आणि सार्वजनिक उपक्रम यांचे व्यवस्थापकीय संचालक, महाराष्ट्र राज्य.
निवड नस्ती/कार्यासन १६-अ, सामान्य प्रशासन विभाग, मंत्रालय, मुंबई



न्यायालयीन प्रकरण
कालमर्यादा

महाराष्ट्र शासन
सामान्य प्रशासन विभाग,
मंत्रालय विस्तार इमारत,
हुतात्मा राजगुरू चौक, मादाम कामा मार्ग,
मंत्रालय, मुंबई- ४०००३२

दूरध्वनी क्र -०२२.२२०२५३३३
Email ID : **desk16a.gad-mh@gov.in**

क्रमांक : दिव्यांग २०१५/प्र.क्र.१७१/१६-अ

दिनांक : ७ सप्टेंबर, २०२१

प्रति,
अ.मु.स./प्र.स./सचिव,
सर्व मंत्रालयीन विभाग.

विषय : मा.उच्च न्यायालय, मुंबई येथे दाखल रिट याचिका स्टॅंप ६८१९/२०२१ व इतर याचिकांप्रकरणी मा. न्यायालयास अतिरिक्त माहिती देणेबाबत.

महोदय,

विषयांकित न्यायालयीन प्रकरणी दि. ७.०९.२०२१ रोजी झालेल्या सुनावणीत मा. न्यायालयाने खालील मुद्यांची माहिती तात्काळ देण्याचे आदेश दिले आहेत. या प्रकरणी पुढील सुनावणी दि. १४/०९/२०२१ रोजी ठेवण्यात आली आहे.

अ.क्र.	मुद्दा	अभिप्राय
1	DPC: a) In how many districts have you set up the DPC? Which ones remain and why? b) How many meetings have been held by the DPC? c) How many PWDs have been promoted by the DPC,s? If promoted then any common GR issued or independent promotions letters issued? d) If PWDs are not yet promoted then will they be promoted, if yes, by when? If not, then why not?	
2	During the pendency of the present Writ Petition, the Petitioners made allegations that non-PWDs have been promoted without promoting PWDs. Whether this is true?	
3	Whether posting orders of non-PWDs have been issued? If so, when? Which department?	
4	Identification of posts - 445 posts remain to be identified. Will they be identified? If yes, by when? If not, why not? How long it will take?	

मुद्दा क्र. ४ बाबतची माहिती सामाजिक न्याय व विशेष सहाय्य विभागाच्या दिव्यांग कल्याण कक्षाने देणे अपेक्षित आहे.

न्यायालयीन प्रकरणाची तातडी विचारात घेता सर्व मंत्रालयीन विभागांनी त्यांच्या अधिपत्याखालील कार्यालयांसह एकत्रित माहिती इंग्रजीमध्ये कोणत्याही परिस्थितीत दि. ८.०९.२०२१ पर्यंत या विभागास द्यावी, ही विनंती.

सदर शासन पत्र महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेताक २०२१०९०७१८५२२७७६०७ असा आहे. हे पत्र डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

आपला

(सुमंत भांगे)
सचिव (साविस), महाराष्ट्र शासन

प्रत,
निवड नस्ती/कार्यासन १६-अ, सामान्य प्रशासन विभाग, मंत्रालय, मुंबई

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 6819 OF 2021

Ajay Daulat Jadhav & Ors. ... Petitioners
Vs.
State of Maharashtra through
General Administration & Ors. ... Respondents

ALONGWITH
INTERIM APPLICATION NO.1306 OF 2021
IN
WRIT PETITION (STAMP) NO.6819 OF 2021

Ajay Daulat Jadhav & Ors. ... Applicants
Vs.
State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION (STAMP) NO.12028 OF 2021
IN
WRIT PETITION (STAMP) NO. 6819 OF 2021

State of Maharashtra
through its Principal Secretary ... Applicant
Vs.
Ajay Daulat Jadhav & Ors. ... Respondents

WITH
INTERIM APPLICATION (STAMP) NO. 11845 OF 2021
IN
WRIT PETITION (STAMP) NO. 6819 OF 2021

State of Maharashtra
through its Principal Secretary ... Applicant
Vs.
Ajay Daulat Jadhav & Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 58 OF 2021

Shri Anandrao Narayan More ... Petitioner
Vs.
State of Maharashtra through
Its Chief Secretary & Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 2081 OF 2021

Sachin Haridas Kapane ... Petitioner
Vs.
State of Maharashtra through
General Administration Department,
Mantralaya & Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 2941 OF 2021

Pranjal Pramod Patil & Ors. ... Petitioners
Vs.
State of Maharashtra through
General Administration Department,
& Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 4228 OF 2021

Gorakshnath Asaram Agale & Anr. ... Petitioners
Vs.
State of Maharashtra through
General Administration Department,
Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 6995 OF 2021

Milind Ganpat Kadam & Ors. ... Petitioners
Vs.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 10077 OF 2021

Nandkumar Dashrath More & Ors. ... Petitioners
Vs.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO. 2090 OF 2021

Krishna Piraji Jagtap ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 11573 OF 2021

Association of Sub Ordinate Service of Engineers & Ors. ... Petitioners
Vs.
State of Maharashtra & Ors. ... Respondents

WITH
CONTEMPT PETITION (STAMP) NO. 11751 OF 2021

Pranjal Pramod Patil & Ors. ... Petitioners
Vs.
State of Maharashtra Through General Administration Department & Ors. ... Respondents

WITH
WRIT PETITION NO. 2091 OF 2021

Vivek Vishwanath Patil ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO. 2092 OF 2021

Ashwini A. Ghodake & Ors. ... Petitioners
Vs.
State of Maharashtra & Ors. ... Respondents

WITH
CONTEMPT PETITION (STAMP) NO. 12001 OF 2021

Sanjaykumar Shashikant Kokane ... Petitioner
Vs.
Sitaram Kunte, Chief Secretary of State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO. 3798 OF 2020
IN
WRIT PETITION (STAMP) NO. 97023 OF 2020

Principal Secretary, Water Resources Department, Mantralaya ... Applicant

Vs.
Bholaso S/o. Vitthal Alias Vithu Chaugule ... Respondent

WITH
INTERIM APPLICATION NO. 1307 OF 2021
IN
WRIT PETITION (STAMP) NO. 97023 OF 2020

Ankush Ashokrao Palve & Anr. ... Applicants
Vs.
Sanjaykumar Shashikant Kokane & Ors. ... Respondents

WITH
INTERIM APPLICATION NO. 1305 OF 2021
IN
WRIT PETITION (STAMP) NO. 97023 OF 2020

Sunil Mahadevrao Thakre ... Applicant
Vs.
Sanjaykumar Shashikant Kokane & Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 97023 OF 2020

Bhimashankar Mallinath Mitkare & Ors. ... Petitioners
Vs.
State of Maharashtra through
General Administration Department,& Ors. ... Respondents

WITH
INTERIM APPLICATION (STAMP) NO. 4375 OF 2021
IN
WRIT PETITION (STAMP) NO. 97030 OF 2020

Milind Ganpat Kadam & Ors. ... Applicants
Vs.
Bhimashankar Mallinath Mitkare ... Respondent

WITH
INTERIM APPLICATION NO. 3799 OF 2020
WITH
INTERIM APPLICATION NO. 3800 OF 2020

Bhagwan Rajabhau Khedkar & Ors. ... Applicants
Vs.
Bholaso S/o. Vitthal @ Vithu Chaugule ... Respondent

WITH
WRIT PETITION (STAMP) NO. 98060 OF 2020

Chintaman Gulabrao Vanjari ... Petitioner
Vs.
State of Maharashtra through
General Administration Department,
& Ors. ... Respondents

WITH
WRIT PETITION (STAMP) NO. 98876 OF 2020

Dhananjay Ambadas Patil ... Petitioner
Vs.
State of Maharashtra through
General Administration Department,
& Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1990 OF 2021
IN
WRIT PETITION NO.13058 OF 2018

Bholaso S/o. Vitthal Alias Vithu
Chaugule & Ors. ... Petitioners
Vs.
State of Maharashtra and ors. ... Respondents

ALONGWITH
WRIT PETITION NO. 10955 OF 2016

Shri Rajendra Bhanudas Andhale ... Petitioner
Vs.
State of Maharashtra through
the Under Secretary Rural Development and
Irrigation Department & Ors. ... Respondents

ALONGWITH
WRIT PETITION (STAMP) NO. 13058 OF 2018

Bholaso s/o. Vitthal @ Vithu Chaugule ... Petitioner
Vs.
State of Maharashtra through
Principal Secretary & Ors. ... Respondents

WITH

INTERIM APPLICATION NO. 770 OF 2021
IN
WRIT PETITION NO. 13058 OF 2018

Shri Bhalaso s/o. Vitthal @ Vithu Chaugule ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION (STAMP) NO. 12027 OF 2021
IN
WRIT PETITION NO. 13058 OF 2018

State of Maharashtra through
Principal Secretary & Ors. ... Applicants
Vs.
Bholaso S/o. Vitthal Alias Vithu
Chaugule & Ors. ... Respondents

WITH
INTERIM APPLICATION NO. 394 OF 2021
IN
WRIT PETITION NO. 13058 OF 2018

Pranjal Pramod Patil ... Applicant
Vs.
Bholaso S/o. Vitthal Alias Vithu Chaugule ... Respondent

AND
CONTEMPT PETITION (STAMP) NO. 92 OF 2021

Chintaman Gulabrao Vanjari ... Petitioner
Vs.
Sanjay Kumar, Chief Secretary ... Respondent

....

Mr.B.M.Chatterji, Senior Advocate alongwith Mr.Nikhil Waje, Mr. Vishesh Srivastav, Advocates for the Applicant/Petitioner in IA No. 1306 of 2021 in Writ Petition (Stamp) No.6819 of 2021.

Mr.Abhijeet Desai alongwith Mr.Amol Jagtap, Advocates for the Petitioner in Writ Petition (Stamp) No.6995 of 2021.

Mr.Yashodeep Deshmukh alongwith Ms.Vaidehi Deshmukh, Ms. Sonali Pawar and Ms.Kinjal Kanani i/by Mr.Akshay R. Kapadia, Advocates for the Petitioners in Writ Petition (Stamp) No.11573 of 2021 and Writ Petition No.2092 of 2021.

Mr.Anoop U. Patil, Advocate for the Petitioner/Applicant in Writ Petition (Stamp) No.97023 of 2020 and IA No.1305 of 2021.
Mr.Balasaheb Deshmukh for the Intervenors in I.A. Nos.3799 of 2020 and 3800 of 2020.
Dr.Uday Warunjikar, Senior Advocate alongwith Mr.Vinod Sangvikar, Mrs.Shakuntala Sangvikar, Advocates for the Petitioner and Applicant in Writ Petition No.13058 of 2018 with I.A.No.1987 of 2021 in WP (L) No.58 of 2021 and IA No.1990 of 2021.
Mr.Tejesh Dande alongwith Mr.Bharat Gadhavi i/by M/s Tejesh Dande & Associates, Advocates for the Petitioners in Writ Petition (Stamp) No.2941 of 2021 and Contempt Petition (Stamp) No.11751 of 2021.
Mr.Sugandh B. Deshmukh, Advocate for the Petitioner in Contempt Petition (Stamp) Nos.92 of 2021, 12001 of 2021 and Writ Petition (Stamp) Nos.4228 of 2021, 10077 of 2021 and Writ Petition Nos.2090 of 2021, 2091 of 2021, Writ Petition Stamp No.97023 of 2020 with IA No.1307 of 2021, Writ Petition Stamp Nos.98060 of 2020 and Writ Petition No. 10955 of 2016.
Mr.A.I.Patel, Addl. GP. for the State in IAST No.12077 of 2021.
Mr.Mahendra Shingade, Advocate for the Petitioner in WPST No. 2081 of 2021 and WPST No.98876 of 2020.
Mr.A.A.Kumbhakoni, A.G. alongwith Mr.P.P.Kakade, GP, Mr.R.S.Pawar, AGP, Smt. A.A.Purav, AGP, Mr.A.M.Kulkarni, Special Counsel, Mr. S. Gurav, Mr.A.I.Patel, AGP for the Respondent-State.

CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : SEPTEMBER 14, 2021.

P.C.:-

Heard learned counsel for the parties.

2. Pursuant to our previous order dated 7th September, 2021, learned Advocate General has filed a signed statement dated 14th September, 2021 which we have perused.

3. At this stage, it may not be necessary to refer to in details contents of the said statement.

4. Suffice it to say that, according to Mr.Kumbhakoni, learned Advocate General, the process for undertaking promotion to both

the categories of petitioners i.e. persons with disabilities and persons without disabilities is being undertaken presently. However, the process involves several stages and cannot be completed overnight.

5. He submits that majority of the litigation pertains to the Public Works Department and secretary of this department is personally present in court today. According to him, within a period of 3 to 4 weeks time the promotion exercise covering both the categories of petitioners *vis-a-vis* in Public Works Department should be complete.

6. It may be mentioned that in our order dated 22nd July, 2021 we had directed that the promotion orders/posting orders of both categories of petitioners be simultaneously carried out and the period prescribed for completion of the exercise was six weeks from 22nd July, 2021.

7. Though substantial progress has been made, the process is yet to reach finality.

8. Mr.Chatterji, learned senior counsel, Mr.Desai and Mr. Deshmukh, learned counsel appearing for those categories of petitioners who are persons without disabilities and awaiting for posting orders having been duly promoted in November, 2020, submitted that delay in giving effect to their due promotion by not issuing consequential posting orders is not at all justified. They therefore pray for issuance of time bound directions by the court for issuance of their posting orders on promotion.

9. Dr.Warunjikar, Mr.Sugandh Deshmukh and Mr. Patil learned counsel appearing for the persons with disabilities submit that if

the present exercise had not been carried out by the court, the progress which have been achieved till date would not have materialized.

10. Be that as it may and without entering into merits of the rival contentions which we will deal with at the time of hearing each individual case, we direct the State of Maharashtra, more particularly in the Public Works Department to complete the promotion/posting exercise covering both categories of petitioners i.e. persons with disabilities and persons without disabilities within three weeks from today; in case of the persons without disabilities, to issue their respective posting orders as the concerned DPCs had already recommended their promotion.

11. This exercise should also be carried out simultaneously in the Education, Irrigation as well as in the Animal Husbandry Departments within the stipulated period.

12. Stand over to 5th October, 2021.

(MADHAV J. JAMDAR, J.) **(UJJAL BHUYAN, J.)**

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